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MAY 12 2015

**RICHARD W. NAGEL, CLERK OF COURT
COLUMBUS, OHIO**

**IN THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF OHIO
EASTERN DISTRICT**

**ALTERIK ROGERS (aka Brian MacNeil)
Inst.#A654-770
Belmont Correctional Inst.
P.O. Box 540
St.Clairsville, OH. 53950**

CIVIL CASE NO: 2 : 1 5 C V 1 8 7 7

Plaintiff,

vs.

THE STATE OF OHIO

Judge Sargus

and

JUDGE: _____

CITY OF STEUBENVILLE OHIO

301 MARKET STREET

Steubenville, OH. 43952

OR 117 North 3rd Street

Steubenville, OH. 43952

and

**POLICE OFFICER SEAN SCOTT, (In his
Official/or Individual Capacity)**

123 S. 3rd Street

Steubenville, OH. 43952

and

**JEFFERSON COUNTY SHERIFF
FRED ABDALLA (In his Official/or
Individual Capacity)**

16001 State Rte. 7

Steubenville, OH. 43952

and

**JEFFERSON COUNTY SHERIFF'S
MEDICAL DEPARTMENT(In their
Official/or Individual Capacities)**

16001 State Rte. 7

Steubenville, OH. 43952

Defendant[s].

MAGISTRATE JUDGE KING

**CIVIL COMPLAINT
{Pursuant to 42 USCA 1983}**

PREVIOUS LAWSUITS:

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES ☒ NO ☐

B. If your answer to A is yes, describe the lawsuit in the space below, (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs: Alterik Rogers, (aka Brian MacNeil)#A654-770, Belmont Corr. Inst., St.Clairsville, OH. 43950.

Defendants: THE STATE OF OHIO; CITY OF STUEBENVILLE OHIO 301 MARKET STREET, Steubenville, OH. 43952; POLICE OFFICER SEAN SCOTT, (In his Official/or Individual Capacity) 123 S. 3rd Street, Steubenville, OH. 43952.

2. Court (if federal court, name the district; if state court, name the county)

State of Ohio Franklin County, Court of Claims 373 S. High St., Columbus, OH. 43215

3. Docket Number 2015-00126

4. Name of judge to whom case was assigned: _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Dismissed without prejudice

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

Place of Present Confinement Belmont Correctional Institution

A. Is there a prisoner grievance procedure in this institution? YES ☐ NO ☒ Not at the time

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

YES ☒ NO ☒

C. If your answer is YES,

1. What steps did you take? The issues presented herein did not take place in the institution where I am presently being held. Th incident[s] occurred at the Jefferson County Jail in Steubenville, Ohio. The accident happened there and all "fruits of the poisonous tree" occurred from the incident. I did place my grievances and complaints with the jail staff, with my attorney of

record, etc...

What was the result? Nobody did anything, I am not sure if the Officer who caused the accident was reprimanded or not?

D. If your answer is NO, explain why not The Jefferson County Jail does not have an actual "formal grievance process. I made my complaints to staff and my attorney as best that I could.

E. If there is no prison grievance procedure in the institution did you complain to prison authorities?

YES ☒ NO ☐

F. If your answer is YES,

1. What steps did you take? Right after the accident, I asked Officer Scott to take me to medical for injuries sustained; I asked the Jail Corrections Officer's to take me to medical for my injuries; they stated my bail was to high. Thereafter, I asked Officer Tucker to take me to medical because I was injured, he escorted me to the nurses station where I informed her that I was in an automobile accident earlier, that I was handcuffed at the time of the accident in the back seat of the police cruiser without a seat belt, she did not believe me, so she called the Police Department to verify the incident. After she found out I was telling the truth, she asked me what was wrong, I explained that my head, my back down to my feet were in pain and numb, that I experience numbness in my hands as well; I asked to go to a hospital, she said my bond was to high also? I was sent back to my pod without so much as an aspirin for my pain, there was no treatment at all, not a single test was done?

What was the result? Nothing at all was done, my bail was to high to get medical treatment?

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of the Plaintiff Alterik Rogers (aka Brian MacNeil), #A654-770

Address Belmont Corr. Inst., St.Clairsville, OH. 43950

(In item B below, place the full name of the defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Use item C for the names, positions and places of employment for any additional defendants).

B. Defendant The State of Ohio is employed as N/A.

at _____

Additional Defendants CITY OF STUEBENVILLE OHIO 301 MARKET STREET, Steubenville, OH. 43952; POLICE OFFICER SEAN SCOTT, (In his Official/or Individual Capacity) 123 S. 3rd Street, Steubenville, OH. 43952; JEFFERSON COUNTY SHERIFF'S MEDICAL DEPARTMENT(In their Official/or Individual Capacities) 160001 State Rte. 7 Steubenville, OH. 43952.

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separated paragraph. Use as much space as you need. (Attach extra sheet(s) if necessary).

I, Alterik Rogers (AKA Brian MacNeil), state that on January 14, 2014, I was an inmate/detainee in the custody of the Jefferson County Jail, Steubenville, Ohio; being transported by Police Officer Sean Scott to appear before the Honorable Judge Spann in the City of Steubenville, Ohio.

On the return from Court while handcuffed in the back of the Patrol car without a seat belt on; Officer Scott was driving sporadically at high speeds, I was in fear for my life at the way he was driving. As we entered the Jefferson County Jail garage area, Patrolman Scott while moving faster than he should have been approached the garage to await the garage doors opening. The garage door was about halfway up when Officer Scott floors the cars gas pedal, he drove into the garage, crashing straight into the back of a parked Sheriff's Bus. I was never taken to medical for even a check up, even though I had asked both Officer Scott and the Jail Corrections Officers to take me to the hospital, I was refused. Their reason was because "I had a high bond"? I was returned to my housing in the jail, I then noticed that I had urinated and had a bowels accident, my head and back began to hurt, so I asked the Jefferson County Jail staff to take me to medical, that I was injured. Corrections Officer Tucker escorted me to medical to see a Nurse (Name Unknown), she stated " there is nothing we can do for you, I agree with the officer's, your bond is to high to escort you to the hospital. I contacted my girlfriend Sharon Smith, who contacted my Attorney Aaron Miller. Captain Livingston was made aware of the accident, incident reports should have been made as well as insurance claim reports. Also, there would be a video of the accident.

I am still suffering from the injuries sustained from that day. I have developed a permanent limp, which hinders my walking and exercising. I still suffer from severe pain in my back, legs down to my feet which includes numbness; My hands still become numb as well. I am prescribed the strongest

medication that the ODRC medical personell will allow, Elavil for the continuing pain in my back.

I believe that I suffered from a concussion and shock do to the involuntary bowl movement and urination, injury to my neck and back, which I am still suffering from.

Relief Sought:

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes).

- 1) I want to receive \$75, 000 (Seventy-five thousand US dollars from Defendant: **City of Steubenville Ohio** for pain and suffering and mental anguish do to the neglect and disregard to my personal safety, and denial of medical treatment with deliberate indifference.
- 2) I want to receive \$75, 000 (Seventy-five thousand US dollars from Defendant: **Police Officer Sean Scott, (In his Official/or Individual Capacity)** for pain and suffering and mental anguish do to the neglect and disregard to my personal safety, and denial of medical treatment with deliberate indifference.
3. I want to receive \$75, 000 (Seventy-five thousand US dollars from Defendant: **Jefferson County Sheriff Fred Abdalla (In his Official/or Individual Capacity)** for pain and suffering and mental anguish do to the neglect and disregard to my personal safety, and denial of medical treatment with deliberate indifference.

I want to receive \$75, 000 (Seventy-five thousand US dollars from Defendant: **Jefferson County Sheriff's Medical Department (In their Official/or Individual Capacity)** for pain and suffering and mental anguish do to the neglect and disregard to my personal safety, and denial of medical treatment with deliberate indifference.

Witnesses, to the injury, damage or loss are Corrections Officer's: Lynn and Tucker; Nursing staff (Nurse Wanda), Captain Livingston at 16001 State Rte. 7, Steubenville, Ohio 43952, Attorney Aaron Miller, P.O. Box 166 Welsburg, WV. 26070. Need subpoenas for Video Surveillance of garage area, and all insurance or police reports regarding the accident. Plaintiff is in need of Counsel or an investigator to procure these items and witnesses on behalf of the Plaintiff.

I declare under penalty of perjury that the foregoing is true and correct

5-4-2015
(Date)

Attene Rogers
(Signature of Plaintiff)

STATE OF OHIO)
) SS:
COUNTY OF BELMONT)

AFFIDAVIT OF ALTERIK ROGERS (aka Brian MacNeil)

Inst.#A654-770

Belmont Correctional Inst.

P.O. Box 540

St.Clairstville, OH. 53950

I ALTERIK ROGERS (aka Brian MacNeil), the undersigned first being duly cautioned and sworn to my oath, depose and say that the allegations, averments , are true and correct to the best of my knowledge, Information and behalf.

I am aware of perjury and that any false statement made by me in the foregoing averments will subject me to the penalty of perjury.

1. My name is ALTERIK ROGERS (aka Brian MacNeil) Inst.#A654-770.
2. I am currently incarcerated at the Belmont Correctional Institution at P.O. Box 540 St. Clairesville, Ohio. 43950.
3. I was an inmate/detainee in the custody of the Jefferson County Jail from January 4, 2014 to July 7, 2014.
4. On January 14, 2014 I was being transported by Steubenville Police Officer Sean Scott to appear before Municipal Court Judge Spann in the City of Steubenville, Ohio.
5. On my return from court to the Jefferson County Jail, while I was handcuffed in the back of the police cruiser. Officer Sean Scott was driving sporadically and at high speed, at times I was fearful of my well being, I did not feel safe with his driving at all!
6. As we entered the Jefferson County Jail's driveway to the garage area, Patrolman Scott was moving way to fast approaching the garage to await the garage door to open. The door was about half way up when Officer Scott "floors" the gas to enter the garage, crashing into the back of a parked Sheriff's Vehicle.
7. After the accident, I asked Officer Scott to take me to medical, I asked Corrections Officers to take me to medical, they all claimed that because my bond was so high, they could not take me to a Hospital.
8. I was returned to my housing unit in the Jefferson County Jail; I then noticed that I had urinated and defecated myself, my head was beginning to hurt severely along with my back all the way to my feet; and my legs and hands were numb.
9. I then asked correction officer Tucker to take me to medical because I was injured. C.O. Tucker escorted me to medical to see the Nurse. I then informed her that I was in an accident while handcuffed in the back seat of the Police car.
She did not seem to believe me because she then took time to call down to the Police

Department to make sure that I was telling the truth. Then she asked me "what was wrong?" I proceeded to tel her "my head and back down to my feet were hurting severely; and my legs and hands were numb. I asked to go to the hospital?"

10. She then also stated the same thing the others said, telling me that my bond was to high to take me to an outside hospital."
11. I was not treated or tested in any manner for my injuries; nor, was I given any medication for my pain.
12. I was then sent back to my unit without anything, not even an aspirin.
13. I was left to limp around the County jail for months in pain, I was never given any further treatment or follow-ups by medical staff.
14. To this day I have problems walking correctly, I take medication for pain problems that have since been diagnosed by the prison medical staff. I am in pain everyday due to an accident that was caused by Officer Scott and the medical negligence and malpractice of the Medical staff used by the Jefferson County Jail, authorized to treat inmates by Sheriff Fred Absalla.

FURTHER AFFIANT SAYETH NAUGHT.

Atterik Rogers
Affiant

SWORN TO AND SUBSCRIBED in my presence, a Notary Public for the State of Ohio in the

County of Belmont this 4th day of May 2015.

SEAL

[Signature]
NOTARY PUBLIC



JAMES M. EBERLIN JR.
Notary Public, State of Ohio
My Commission Expires Apr. 6, 2019

STATE OF OHIO)
) SS:
COUNTY OF BELMONT)

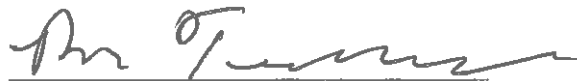
AFFIDAVIT/STATEMENT MADE BY RONALD TRENNER:

To whom it may concern, I Ronald Trenner declare under penalty of perjury that the foregoing is true and correct:

My name is Ronald Trenner. On or about the later half of January and the beginning of February of 2014; I had met Mr. Rogers while incarcerated at the Jefferson County Jail. I had noticed that he walked with a limp and that it sometimes gave him real trouble walking, so I asked him what had happened to him. He had told me, that he was being transported while handcuffed in the back of a Police car when the Policeman had ran the car into the back of another Police vehicle that was parked in the jails garage, injuring him.

During my time in the County jail, I heard Mr. Rogers on several occasions complaining to staff about his pain. At no time did I ever see him get any medical attention. This went on the entire time that I was in the jail with him. I am willing to testify on his behalf regarding his repeated attempts to get help by staff and medical.

FURTHER AFFIANT SAYETH NAUGHT


Affiant

SWORN TO AND SUBSCRIBED in my presence, a Notary Public for the State of Ohio in the County of Belmont this 15th day of April 2015.



SEAL
JAMES M. EBERLIN JR.
Notary Public, State of Ohio
My Commission Expires Apr. 6, 2019


NOTARY PUBLIC